
Caution: The Irish Might Guillotine Lisbon

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Theme: Irish voters are going to the polls on 12 June in the only referendum in Europe on the Lisbon Treaty.

Summary: Supporters and opponents of the Lisbon Treaty from across Europe will watch with bated breath as Irish voters go to the polls in the only referendum on the text on 12 June. If the Irish say 'Yes', Ireland will become the 16th EU country to ratify the treaty, virtually assuring its uneventful passage through the parliaments of the other 11 member states. Polls show the 'Yes' side maintains a fragile lead, but there is a real risk that the traditionally pro-European Irish could vote 'No', thereby blocking reforms that the EU's governments say are vital to its future. More importantly, a 'No' would land a critical blow to the morale of Europe's political establishment and force the EU into a further bout of negotiations about institutions and rules. The likely outcome of the referendum is a close result that will be determined by the level of voter turn-out.

Analysis:

A Race to the Finish

On 6 May, EU governments heaved a collective sigh of relief when Bertie Ahern, Ireland's long-serving *taoiseach*, stepped down as leader of the country's coalition government. Though still popular, Ahern's authority to campaign for a 'Yes' vote in the upcoming referendum was fatally undermined by his questioning before a corruption tribunal. Brian Cowen, his successor as *taoiseach* and leader of the governing Fianna Fáil party, immediately launched the campaign to ratify the treaty, hoping that his honeymoon period as the new leader and a jump in approval ratings for his party will ensure success.

Cowen, a popular and tough politician, believes passionately that the treaty is vital to Ireland's national interests. Small countries can wield undue influence in the EU system if they are perceived, as Ireland has been, to be an enthusiastic member. Cowen has engaged his party's considerable canvassing machinery in a door-to-door campaign to mobilise voters. Although late in starting—the 'No' side had been virtually unopposed for months—the campaign has shored up support for the treaty. The last independent polls, conducted in mid-May, show 41% of voters now say they will vote for the treaty while 33% oppose it and 26% remain undecided.¹ Ominously, the 'No' side seems to be scooping up more undecided voters than the 'Yes' campaign. Previous campaigns have been decided by a late shift in voter opinion in the days before the poll. Both sides will hold back their

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¹ Pat Leahy, 'Both Sides Gain and Race will go to the Wire', *The Sunday Business Post*, 25/V/2008, www.sbpost.ie.

most potent arguments for the close of the debate, hoping to capture the imagination of undecided voters and swing the vote in their favour.

Cowen's efforts are helped by the fact that Ireland's businesses, media and political mainstream are almost uniformly pro-European. The main opposition parties are also running 'Yes' campaigns. Both the second-largest party, Fine Gael, and the Labour Party have urged their voters to 'resist the natural temptation' to use the poll to punish the government at a time of a global economic downturn, falling house prices and rising inflation. The Green Party, which disliked previous EU treaties, is now in government and has said it will not oppose this one. With all main business organisations supporting the treaty, as well as a group representing civil society, the Irish Alliance for Europe, the treaty's passage would seem likely, if not assured.

Nevertheless the 'Yes' side is still fighting an uphill battle. Many voters who would normally support opposition parties remain divided on the treaty in the run up to the poll, reluctant to hand Cowen's party an early tribal victory. And much support for the 'Yes' side is 'soft', from groups and organisations that represent Ireland's pro-European middle class. These are far from active campaigners. Most voters know little about the EU and are instinctively suspicious about voting for an international treaty that few understand and many feel has not been explained clearly enough.

Hence the Irish may well vote down the treaty. If they do, Cowen has insisted he will not hold a second referendum. Although a second vote was held on the Nice treaty in 2002, the government maintains that this was a one-off due to exceptionally low voter turnout and general public willingness to go to the polls again. However the truth is that no-one is really sure what would happen in the event of a 'No' vote. The next steps would be dependent on the exact circumstances of the vote: how many voters had turned out and which 'No' arguments seemed to swing the result.

What is clear is that an Irish rejection would sap the political will of governments to implement a difficult set of institutional reforms first agreed as part of the constitutional treaty in 2004. Certainly the EU's forthcoming summit on 19 June would be held amidst a feeling of crisis, where the weakening consensus behind the reforms could finally unravel. An Irish rejection would also be bad news for Gordon Brown, the embattled British Prime Minister, by re-igniting calls for a referendum in the UK on the treaty. This could tempt Brown to abandon the treaty's ratification, now in its final stages, and declare the EU reform project over.

The campaign

From the start of the campaign, the 'Yes' side has been hampered by the fact that the Lisbon treaty contains no grand project, such as the euro or enlargement to the east, to capture public attention. The treaty is already a 'plan B', an attempt to move the EU on from its disastrous attempt to pass a constitutional treaty in 2005. As a result, the treaty is mostly a set of bureaucratic reforms, save, perhaps, the Charter of Fundamental Rights tacked on to its main text (in a rare moment of humour in the campaign, the Irish Commissioner, Charlie McCreevy, quipped 'there is no plan C').

Faced with the chore of communicating complex reforms, 'Yes' campaigners have instead stressed the benefits of EU membership to Ireland's economy, the need to make European institutions work better, and the damage a rejection would do to Ireland's influence in Brussels. Such arguments have been used in previous referendums. But they

might be too defensive or hackneyed to motivate potential 'Yes' voters to turn out on a working day. High voter turnout has been critical to winning previous campaigns.

By contrast, referendums tend to galvanise anti-establishment forces. Sinn Féin, the small nationalist party that fared poorly at the last general election, might be the only opposition party to campaign against the treaty. But several anti-EU groups are running energetic 'No' campaigns as well. One example is Cóir, a small ultra-conservative group of Catholic activists which had a significant role in the Irish rejection of the Nice treaty in 2001. Cóir and other groups warn that the treaty will transform the EU into an undemocratic, militarised super-state, allow the privatisation of public services and mean an end to Ireland's sovereignty and tradition of neutrality. These groups are much more motivated and committed than the established party machinery. As in past referendums, they can be expected to achieve a 30% to 35% 'No' vote.

A slick new pressure group, Libertas, hopes to significantly add to this percentage by targeting the most critical votes in the campaign: wavering moderate voters. Libertas mostly eschews the traditionally extreme arguments of veteran anti-EU campaigners. It concedes the majority view that EU membership has undoubtedly been good for Ireland. But the group argues that ratifying the Treaty of Lisbon will bring the good times to an end by reducing Irish voting power in Brussels, harmonising its low corporate taxes upwards, and stripping the country of its 'national' representative in the European Commission.

Led by a wealthy businessman, Declan Ganley, Libertas has become the leading voice of the 'No' campaign. It hopes to foster a kind of Celtic Tiger euroscepticism amongst a public increasingly bewildered by a succession of referendums on EU integration. Ireland has never been unthinkingly pro-European. Since the 1990s, special declarations and protocols on defence policy, abortion as well as an opt-out on border controls and immigration policy have all been deemed important to the passage of EU treaties in referendums there. Hence the mainstay of the Libertas campaign is that voters should say 'No' to the Lisbon treaty in order to secure a special protocol to protect Ireland's low rates of corporation tax.

Farmers and trade unions have found it difficult to make up their minds on the treaty. They are keen to use support for the referendum as leverage for their own interests, however unconnected to the text. While the largest trade union body, the Irish Congress of Trade Unions, has called for a 'Yes' vote, it will not actively campaign for one. Meanwhile a large crafts union, the Technical, Engineering and Electrical Union, is firmly opposed. Its membership cites recent cases from the European Court of Justice as evidence that the EU is undermining worker's rights (in 2007, the court ruled that EU companies could post workers temporarily in other member-states without paying them the same wages as local workers). SIPTU, the largest single union, has withheld its support for the treaty, unless the government introduces new laws strengthening collective bargaining rights. Tensions between the government and the unions are rising ahead of forthcoming national pay talks.

Farmers, supportive of previous treaties due to years of EU financial support, have been incensed by proposals to open up the single market to beef imports from Argentina and Brazil. The proposals are a part of an attempt by Peter Mandelson –the EU's Trade Commissioner– to re-start stalled world trade talks and are unconnected to the text of the treaty. Some observers fear Mandelson's proposals could become a second so-called 'Bolkenstein directive', a piece of controversial EU legislation that was a surprising factor

in the rejection of the constitutional treaty in France and the Netherlands in 2005.² Given the importance of swing votes, Cowen is desperate to avoid a similar juxtaposition in Ireland between the Lisbon treaty and the WTO proposals. With some success, he has placated farmers with strong assurances that he will oppose the proposals, arguing that a 'Yes' vote will give him a stronger hand to defend Irish agricultural interests in Brussels.

Previous referendums have established the rule of thumb that a minimum turnout of 40% is needed for an EU referendum to carry in Ireland. Therefore to win, the 'Yes' side must give voters both incentives to say 'Yes' and a real sense of what they could lose by voting 'No' or staying at home. But if the 'Yes' campaign overdo stories of plummeting Irish influence in the EU to generate turnout, there is a danger this could backfire. The Irish will go to the polls knowing that the Netherlands and France voted down an EU treaty, with no adverse long-term consequences for either country.

Issues that have been to the fore in previous referendums, such as the inevitability of Ireland having to join a common EU defence, have failed so far to ignite public attention. This could be good news for the 'Yes' side, pointing to the fact the touchy issues such as neutrality can be resolved by political assurances. But it could also mean that voters are becoming apathetic when it comes to the EU.

Conclusion: The Irish consistently record high levels of support for the EU. However, being pro-European in general does not translate into automatic support for any EU treaty brought forward in a referendum. That would be fatuous. Each of Ireland's five referendums on EU integration since 1986 has been a stressful affair, involving a kind of crash course in EU affairs administered every few years but never retained in the public mind. Ireland's partners in the EU, though relieved by each 'Yes' result, tend to forget that it has been hard won.

A key factor in the result will be whether the 'Yes' side can give undecided moderate voters confidence that they understand what they are voting on and the issues at stake.³ This is not necessarily the same thing as knowing specific facts about the treaty. Unless voters are reasonably certain or re-assured by politicians they trust, the treaty will fall. The future of the EU could hang on whether prosperous middle Ireland, whose very existence is considered one of the triumphs of European integration, will care enough on the day to turn up.

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² The draft directive was aimed at creating a single European services market and was irrelevant to the text of the constitutional treaty. Nonetheless, many 'No' voters used referendums on the constitutional treaty in France and the Netherlands to voice their opposition to low cost services from other countries.

³ Richard Sinnott, 'Voters' Confidence in their Knowledge of Treaty is Crucial', *The Irish Times*, 20/V/2008.